

Peter G. Bertling (SBN 131602)
Jemma Parker Saunders (SBN 227962)
Bertling Law Group
21 East Canon Perdido Street, Suite 204B
Santa Barbara, CA 93101
Telephone: 805-879-7558
Facsimile: 805-869-1597
peter@bertlinglawgroup.com
jemma@bertlinglawgroup.com
Attorneys for Defendant WELLPATH, INC.

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

KATHY CROSBY, and minor child C.C.
by and through her Guardian ad Litem
Elizabeth Bazile-Davis,

Plaintiffs,

v.

COUNTY OF ALAMEDA, a municipal
corporation; WELLPATH, INC.,
a professional corporation; and
DOES 1-50, inclusive, individually,
jointly and severally,

Defendants.

Case No.: 3:20-cv-08529-MMC

**DEFENDANT WELLPATH, INC.'S
NOTICE OF MOTION TO DISMISS
PLAINTIFFS' FIRST AMENDED
COMPLAINT [FRCP Rule 12(b)(6)]**

Hearing Date: July 2, 2021

Hearing Time: 9:00 a.m.

Hearing Dept: 7 – 19th Floor

Action Filed: December 2, 2020

Judge: Hon. Maxine M. Chesney

Ctrm: 7 – 19th Floor

TO PLAINTIFFS AND TO THEIR ATTORNEYS OF RECORD:

NOTICE IS HEREBY GIVEN that on July 2, 2021, at 9:00 a.m. or as soon thereafter as counsel may be heard by the above-entitled Court, located at 450 Golden Gate Avenue, San Francisco, California 94102, defendant WELLPATH, INC. will move the Court for dismissal of plaintiff's First Amended Complaint pursuant to Federal Rule of Civil Procedure Rule 12(b)(6) because plaintiff has failed to state a claim upon which relief may be granted. Specifically, Defendant WELLPATH, INC. moves for dismissal

3:20-cv-08529-MMC

1 of plaintiffs' First, Second, and Fourth Causes of Action pursuant to Rule 12(b)(6) for
2 failing to state a claim. This motion is based upon this Notice of Motion and Motion and
3 the accompanying Memorandum of Points and Authorities and [Proposed] Order. This
4 motion will also be based upon all pleadings and papers on file in this action, and upon
5 such other matters as may be presented to the Court at the time of the hearing.

6 Respectfully submitted,

7 DATED: June 1, 2021

BERTLING LAW GROUP

8
9 /s/ Peter G. Bertling

10 Peter G. Bertling
11 Jemma Parker Saunders
12 Attorneys for Defendant
13 WELLPATH, INC.
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

3:20-cv-08529-MMC